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NOV 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Of Counsel
Robert Bennett Lubic*

November 29, 2001

HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

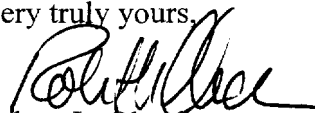
Re: Community Television Educators
Petition for Rulemaking
Facility ID No. 127327, Enid, Oklahoma
Reply No. 2-A842

Dear Ms. Salas:

Transmitted herewith, on behalf of Community Television Educators, applicant in the above-referenced proceeding, are an original and four (4) copies of its Petition for Reconsideration of the staff's denial of its Petition for Rulemaking.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours,



Robert L. Olender
Counsel for
Community Television Educators

RLO/mp

Enclosures

cc: Clay C. Pendarvis, Chief Television Branch, FCC

No. of Copies rec'd 014
List A B C D E

**Before the
Federal Communications Commission
Washington, D.C. 20554**

ORIGINAL

In re)	
)	
Petition for Rulemaking)	MM Docket No. _____
)	RM - _____
Community Television Educators)	
Amending the TV Table of Allotments)	
)	
Substitute FCC Channel 56 for)	Facility ID No. 127327
Channel 26, Enid, Oklahoma)	

To: Chief, Television Branch
Video Services Division

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RECONSIDERATION

Community Television Educators ("CTE"), Petitioner in the above-referenced proceeding, through counsel and pursuant to Section 1.429 of the Commission's Rules and Regulations herein, petitions for reconsideration of the staff's decision of October 30, 2001, dismissing its Petition for Rulemaking seeking to substitute NTSC Channel 56 for existing Channel 26 at Enid, Oklahoma. In support thereof, the following is shown:

1. The Commission states that their independent engineering review indicates that the proposal fails to meet the interference requirements of Section 73.623(c) of the Commission's Rule, inasmuch as it would cause 3.2 percent interference to the DTV allotment of Station KJRH-DT, Tulsa, Oklahoma. CTE cannot dispute this determination; however, what the

Commission does not address is the fact that CTE's rulemaking meets the interference requirement with regards to the actual construction permit granted to Station KJRH-DT on February 12, 2001 (BPCDT-19991014ABH, attached as Exhibit 1).¹

2. Attached as Exhibit 2 is an Engineering Statement by Wes, Inc. Broadcast Consultants, who indicate that the proposal for Channel 56 is causing only .468 percent interference to Station KJRH-DT, Channel 56, which is below the *de minimus* standard of .5 percent. Since Station KJRH-DT has elected to build a station with less power than what the Commission is proposing to protect, then CTE should only be required to protect this CP. It would be inequitable to deny CTE's Petition when it will not cause interference to the actual operation of Station KJRH-DT.

3. However, as a precautionary measure, CTE is alternatively seeking to amend its current NTSC proposal for Channel 56 by lowering their ERP by 9 dB and rotating its current antenna pattern five (5) degrees. Attached as Exhibit 3 is an Engineering Statement by Wes, Inc. Broadcast Consultants indicating that this will only cause .36 percent interference which is below the *de minimus* standard of .5 percent to Station KJRH-DT.

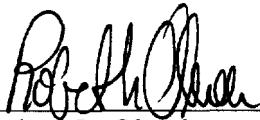
4. Thus, the Commission has two (2) means by which to grant CTE's Petition. Neither will cause actual objectionable interference to Station KJRH-DT.

¹ CTE is aware of the Commission's Memorandum Opinion and Order on Reconsideration, released November 15, 2001 (MM Docket No. 00-39) in which it reconfirmed the DTV Sixth Memorandum Opinion and Order adopting a 2 percent *de minimus* interference standard for changes to DTV stations and allotments. Although the Commission has decided to protect DTV allotment service, there would appear to be no public or private interest harm in protecting the facilities authorized in Station KJRH-DT's construction permit.

WHEREFORE, it is respectfully requested that the Commission reconsider its decision and grant the CTE's Petition for Rulemaking to substitute Channel 56 for existing Channel 26 at Enid, Oklahoma.

Respectfully submitted,

COMMUNITY TELEVISION EDUCATORS

By: 
Robert L. Olender
Its Attorney

November 29, 2001

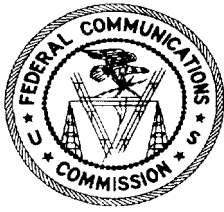
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11645 PetReconEnid 112901

EXHIBIT 1

CONSTRUCTION PERMIT

STATION KJRH-DT



United States of America
FEDERAL COMMUNICATIONS COMMISSION
DIGITAL TELEVISION BROADCAST STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

SCRIPPS HOWARD BROADCASTING COMPANY
312 WALNUT STREET
28TH FLOOR
CINCINNATI OH 45202

Clay C. Pendarvis
Chief, Television Branch
Video Services Division
Mass Media Bureau

Facility Id: 59439
Call Sign: KJRH-DT
Permit File Number: BPCDT-19991014ABH

Grant Date: February 12, 2001

This permit expires 3:00 a.m.
local time, May 01, 2002.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: SCRIPPS HOWARD BROADCASTING COMPANY

Station Location: OK-TULSA

Frequency (MHz): 722 - 728

Channel: 56

Hours of Operation: Unlimited

Callsign: KJRH-DT

Permit No.: BPCDT-19991014ABH

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Antenna type: (directional or non-directional): Non-Directional

Description: DIE, TFU-28DSC-R03

Beam Tilt: 0.75 Degrees Electrical

Major lobe directions (degrees true): Not Applicable

Antenna Coordinates: North Latitude: 36 deg 01 min 15 sec

West Longitude: 95 deg 40 min 32 sec

Transmitter output power: As required to achieve authorized ERP.

Maximum effective radiated power (Average): 800 kW
29 DBK

Height of radiation center above ground: 481.4 Meters

Height of radiation center above mean sea level: 698 Meters

Height of radiation center above average terrain: 505 Meters

Antenna structure registration number: 1011355

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The grant of this construction permit is subject to the condition that, with ample time before commencing operation, you make a good faith effort to identify and notify health care facilities (e.g., hospitals, nursing homes, see 47 CFR 15.242(a)(1)) within your service area potentially affected by your DTV operations. Contact with state and/or local hospital associations and local governmental health care licensing authorities may prove helpful in this process. During this pre-broadcast period, you must provide all notified entities with relevant technical details of your operation, such as DTV channel, targeted on-air date, effective radiated power, antenna location, and antenna height. You are required to place in the station's public inspection file documentation of the notifications and contacts made and you may not commence operations until good faith efforts have been made to notify affected health care facilities. During this pre-broadcast period and for up to twenty (20) days after commencing operations, should you become aware of any instances of medical devices malfunctioning or that such devices are likely to malfunction due to your DTV operations, you must cooperate with the health care facility so that it is afforded a reasonable opportunity to resolve the interference problem. At such time as all provisions of this condition have been fulfilled, and either upon the expiration of twenty (20) days following commencement of operations or when all known interference problems have been resolved, whichever is later, this condition lapses.

EXHIBIT 2

ENGINEERING STATEMENT

SUPPORTING PETITION FOR RECONSIDERATION

Engineering Statement
Enid, Oklahoma
Channel 56
Petition for Reconsideration
By WES, Inc. Broadcast Consultants

Enid, Oklahoma Channel 56 petitions for Reconsideration based on evidence that their current NTSC proposal for Channel 56 is causing only .468 percent interference to KJRH-DT Channel 56, which is below the de minimus standard of .5 percent. This interference is demonstrated in Exhibit-FLR-1. Since KJRH-DT Channel 56 appears in the database as already having applied for their maximization, it would seem reasonable to grant Enid, Oklahoma Channel 56's proposal on the premise that Channel 56 NTSC is not causing fatal interference to the station that KJRH intends to build.

Exhibit FLR-1
 Enid, OK Channel 56
 Petition for Reconsideration of Proposed Rulemaking
 prepared by Wes, Inc. Broadcast Consultants

Ch 56 N LAT 35-58-50 W LON 97-41-43 ERP: 283.3 kW AGL:382m GMSL:353m RCMSL:735m

Callsign	City	Class	Status	ERP	Sep Type	Status	Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc	Contour	Svc Strength
KJRH-DT	TULSA	DTV	CP	800	D/M	Short	182	245	-63.3	2	10	14	2	UHF	56	Co	LR	F(50,90)		41

Population before the addition of Ch 56 to the database not affected by terrain losses: 1,100,261 persons

Population lost to NTSC before the addition of Ch 56: 0 persons

Population after the loss to NTSC: 1,100,261 persons

Population after the addition of Ch 56 to the database: 1,095,104 persons

Population lost to NTSC with Ch 56: 5,157 persons

Percentage of population lost with Ch 56: .468 %

EXHIBIT 3

ENGINEERING STATEMENT

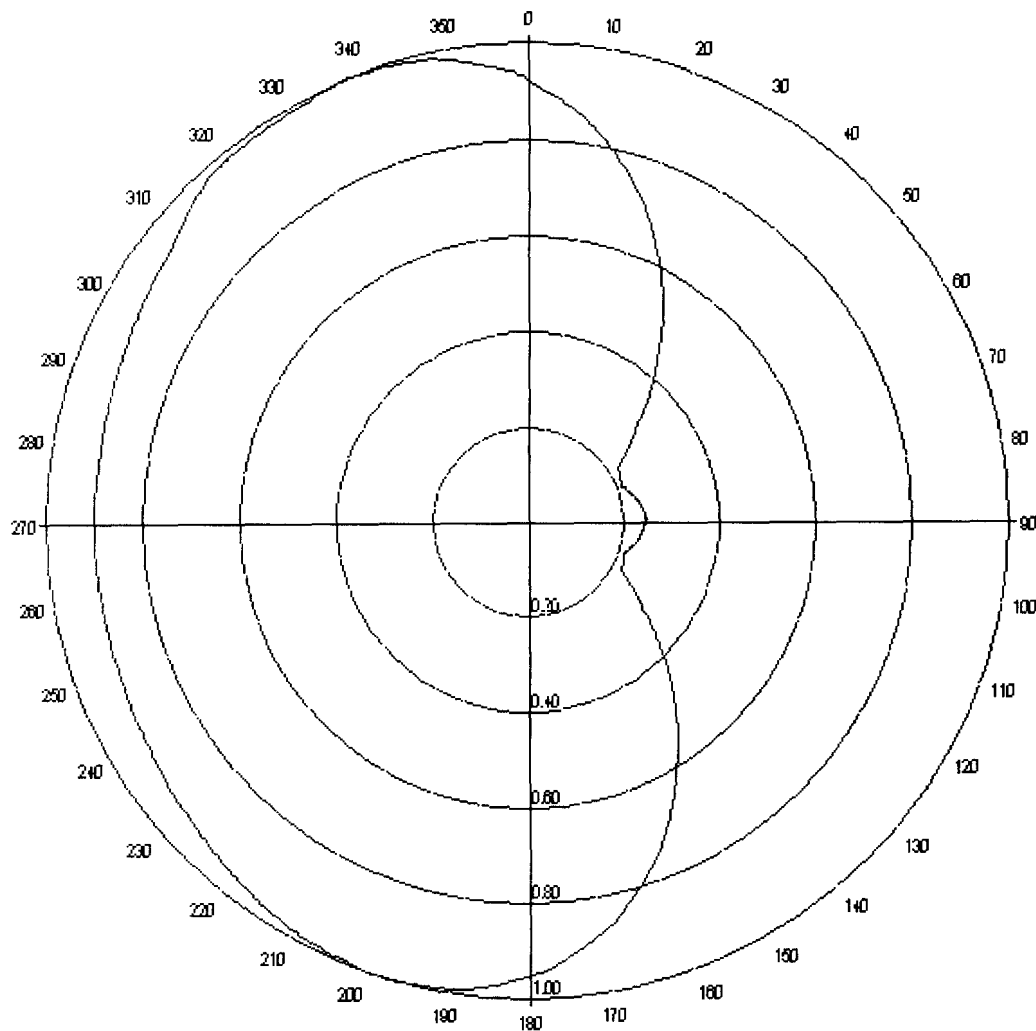
SUPPORTING AMENDMENT OF RULEMAKING

Engineering Statement
Enid, Oklahoma
Channel 56
Amendment to Proposed Rulemaking
By WES, Inc. Broadcast Consultants

Enid, Oklahoma Channel 56 seeks to amend their current NTSC proposal for Channel 56 by lowering their ERP by 9db and rotating their current antenna pattern 5 degrees as shown in Exhibit ANT-1. This would give them an ERP of 283,258.20 kW with azimuth orientation of the main lobe at 270 degrees. As demonstrated in Exhibit-FLR-1, interference to the Digital Allotment of KJRH Channel 56 in Tulsa, Oklahoma is reduced to .36 percent which is below the de minimus standard of .5 percent. Enid Channel 56 would still cover their city of license with a service grade contour.

ComStudy

Exhibit ANT-1



Azm	Rd FS	ERP [W]	dB
0 0	0.922	240.793	23.81
5 0	0.879	218.857	23.40
10 0	0.829	194.667	22.89
15 0	0.769	167.508	22.24
20 0	0.704	140.387	21.47
25 0	0.631	112.782	20.52
30 0	0.557	87.881	19.43
35 0	0.482	65.808	18.18
40 0	0.410	47.616	16.77
45 0	0.342	33.131	15.20
50 0	0.285	23.008	13.61
55 0	0.243	16.726	12.23
60 0	0.215	13.094	11.17
65 0	0.210	12.402	10.96
70 0	0.212	12.731	11.04
75 0	0.224	14.213	11.52
80 0	0.234	15.510	11.90
85 0	0.241	16.452	12.16
90 0	0.242	16.589	12.19
95 0	0.255	15.643	11.94
100 0	0.227	14.396	11.64
105 0	0.214	12.972	11.13
110 0	0.209	12.373	10.92
115 0	0.214	12.972	11.13
120 0	0.234	15.510	11.90
125 0	0.276	21.577	13.34
130 0	0.329	30.660	14.86
135 0	0.396	44.419	16.47
140 0	0.465	61.248	17.87
145 0	0.537	81.683	19.12
150 0	0.610	105.400	20.22
155 0	0.687	133.689	21.26
160 0	0.757	162.321	22.10
165 0	0.817	189.072	22.76
170 0	0.871	214.891	23.32
175 0	0.914	236.633	23.74
180 0	0.949	255.103	24.06

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 Enid, OK Channel 56
 Amendment to Proposed Rulemaking
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Ch 56 N LAT 35-58-50 W LON 97-41-43 ERP: 283.3 kW AGL:382m GMSL:353m RCMSL:735m

Callsign	City	Class	Status	ERP	Sep Type	Status	Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Contour	Svc Strength
KJRH*	TULSA	DTV	USED	1000	D/M	Clean	182	245	-63.3	2	10	14	2 UHF	56	Co	LR	F(50,90)		41

Population before the addition of Ch 56 to the database not affected by terrain losses: 1,146,739 persons

Population lost to NTSC before the addition of Ch 56: 0 persons

Population after the loss to NTSC: 1,146,739 persons

Population after the addition of Ch 56 to the database: 1,142,573 persons

Population lost to NTSC with Ch 56: 4,166 persons

Percentage of population lost with Ch 56: .36 %